

106TH CONGRESS  
1ST SESSION

# H. R. 637

To give gifted and talented students the opportunity to develop their capabilities.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1999

Mr. GALLEGLY (for himself, Mr. BALDACCI, Mr. BARRETT of Nebraska, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. ACKERMAN, Mr. SHOWS, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To give gifted and talented students the opportunity to develop their capabilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Gifted and Talented  
5       Students Education Act of 1999”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds the following:

8               (1) Gifted and talented students give evidence  
9       of high performance capability in specific academic

1 fields, or in areas such as intellectual, creative, artistic,  
2 tic, or leadership capacity, and require services or  
3 activities not ordinarily provided by a school in order  
4 to fully develop such capabilities. These children are  
5 from all cultural, racial, and ethnic backgrounds,  
6 and socioeconomic groups; some have disabilities and  
7 for some, English is not their first language. Many  
8 of these students have been historically underrep-  
9 resented in gifted education programs.

10 (2) Because gifted and talented students gen-  
11 erally are more advanced academically, are able to  
12 learn more quickly and study in more depth and  
13 complexity than others their age, their special edu-  
14 cational needs require opportunities and experiences  
15 that are different from those generally available in  
16 regular education programs.

17 (3) There currently is no Federal requirement  
18 to identify or serve the Nation's approximately  
19 3,000,000 gifted and talented students.

20 (4) While some States and school districts allo-  
21 cate resources to educate gifted and talented stu-  
22 dents, others do not. Additionally, State laws and  
23 State and local funding, identification, and account-  
24 ability mechanisms vary widely, resulting in a vast

1       disparity of services for this special-needs popu-  
2       lation.

3           (5) If the United States is to compete success-  
4       fully in the global economy, it is important that  
5       more students achieve to higher levels, and that  
6       highly capable students receive an education that  
7       prepares them to perform the most highly innovative  
8       and creative work necessary in today's workplace.

9           (6) The performance of twelfth-grade advanced  
10      students in the United States on the Third Inter-  
11      national Mathematics and Science Study (TIMSS)  
12      was among the lowest in the world. In each of 5  
13      physics content areas and in each of 3 math content  
14      areas, the performance of physics and advanced  
15      mathematics students in the United States was  
16      among the lowest of participating countries.

17          (7) Typical elementary school students with  
18      academic gifts and talents have already mastered 35  
19      to 50 percent of the school year's content in several  
20      subject areas before the year begins.

21          (8) In 1990, fewer than 2 cents out of every  
22      \$100 spent on elementary and secondary education  
23      in the United States was devoted to providing chal-  
24      lenging programming for the Nation's gifted and tal-  
25      ented students.

1 (b) PURPOSE.—The purpose of this Act is to provide  
2 grants to States to support programs, classes, and other  
3 services designed to meet the needs of the Nation’s gifted  
4 and talented students in elementary and secondary  
5 schools.

6 **SEC. 3. PROGRAM AUTHORIZATION AND ACTIVITIES.**

7 (a) IN GENERAL.—The Secretary is authorized to  
8 provide grants to States for use by public schools to de-  
9 velop or expand gifted and talented education programs  
10 through one or more of the following activities:

11 (1) PROFESSIONAL DEVELOPMENT PRO-  
12 GRAMS.—States may expend funds to develop and  
13 implement programs to address State and local  
14 needs for inservice training programs for general  
15 educators, specialists in gifted and talented edu-  
16 cation, administrators, school counselors, or other  
17 personnel at the elementary and secondary levels.

18 (2) TECHNICAL ASSISTANCE.—A State may  
19 make materials and services available through State  
20 regional education service centers, universities, col-  
21 leges, or other entities.

22 (3) INNOVATIVE PROGRAMS AND SERVICES.—  
23 States may support innovative approaches and cur-  
24 ricula used by school districts, individual schools, or  
25 consortia of schools or school districts.

1           (4) EMERGING TECHNOLOGIES.—States may  
2       provide funds to provide challenging, high-level  
3       course work to individual students or groups of stu-  
4       dents in schools and school districts that do not have  
5       the resources to otherwise provide the courses  
6       through new and emerging technologies, including  
7       distance learning. Funds may be used to develop  
8       curriculum packages, compensate distance-learning  
9       educators, or for other relevant purposes, but may  
10      not be used for the purchase or upgrading of techno-  
11      logical hardware.

12      (b) STATE INFRASTRUCTURE COSTS.—Not more  
13      than 10 percent of the total amount received under this  
14      Act may be used for State educational agency administra-  
15      tive costs, such as facilitating the coordination of gifted  
16      and talented education programs and services, disseminat-  
17      ing information and materials to teachers and parents,  
18      creating State gifted education advisory boards, and ad-  
19      ministering funds received under this Act.

20   **SEC. 4. APPLICATION.**

21      (a) IN GENERAL.—To be eligible to receive a grant  
22      award under this Act, a State educational agency shall  
23      submit an application to the Secretary at such time and  
24      in such form and manner as the Secretary may reasonably  
25      require.

1 (b) CONTENTS.—The application shall include assur-  
2 ances that—

3 (1) funds received under this Act shall be used  
4 to support gifted and talented students in public  
5 schools, including students from all economic, ethnic,  
6 and racial backgrounds, students of limited English  
7 proficiency, gifted students with disabilities and  
8 highly gifted students;

9 (2) not less than 90 percent of the funds re-  
10 ceived by the State will be distributed to public  
11 schools within the State; and

12 (3) funds received under this Act shall be used  
13 only to supplement, but not supplant, the amount of  
14 State and local funds expended for the specialized  
15 education and related services provided for the edu-  
16 cation of gifted and talented students.

17 (4) States shall develop and implement program  
18 assessment models to evaluate educational effective-  
19 ness and ensure program accountability.

20 (c) APPROVAL.—To the extent funds are made avail-  
21 able for this Act, the Secretary shall approve an applica-  
22 tion of a State educational agency if such application  
23 meets the requirements of this section.

1 **SEC. 5. ALLOTMENT TO STATES.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), of the total amount made available for this Act, the  
4 Secretary shall award to each State an amount that bears  
5 the same relation to the total amount as the number of  
6 children ages 5 through 18 in the State for the preceding  
7 academic year bears to the total number of all such chil-  
8 dren in all States for such year.

9 (b) MINIMUM AWARD.—If sufficient funds are made  
10 available for this Act for each State to receive \$1,000,000  
11 in each fiscal year, each State that meets the requirements  
12 of this Act shall receive not less than \$1,000,000 each fis-  
13 cal year.

14 (c) RATABLE REDUCTION.—If the amount made  
15 available for this Act is insufficient to allocate the amount  
16 specified in subsection (b), the allocation shall be ratably  
17 reduced for each State.

18 **SEC. 6. REPORTING.**

19 The State educational agency shall submit a report  
20 to the Secretary beginning one year after the date of the  
21 enactment of this Act and each subsequent year that de-  
22 scribes the number of students served and the activities  
23 supported with funds provided under this Act. The report  
24 shall include a description of the measures taken to com-  
25 ply with the accountability requirements of section 4.

1 **SEC. 7. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “gifted and talented” has the  
4 meaning such term has under State law or as such  
5 term is defined by the State or local educational  
6 agency, or in the case of a State that does not have  
7 a law that defines the term and the State or local  
8 educational agency has not defined the term, the  
9 term has the meaning given such term under section  
10 14101(16) of the Elementary and Secondary Edu-  
11 cation Act (20 U.S.C. 8801(16)).

12 (2) The term “Secretary” means the Secretary  
13 of Education.

14 (3) The term “State” means each of the 50  
15 States and the District of Columbia.

16 (4) The term “State educational agency” has  
17 the same meaning given such term under section  
18 14101(28) of the Elementary and Secondary Edu-  
19 cation Act (20 U.S.C. 8801(28)).

20 **SEC. 8. AUTHORIZATION OF APPROPRIATION.**

21 There are authorized to be appropriated  
22 \$160,000,000 to carry out this Act for each of the fiscal  
23 years 2000, 2001, 2002, 2003, and 2004.

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